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May 28, 2018

The Honorable Ronnie Abrams
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: United States v. Jason Galanis et al
16-cr-0371-4 (RA)

Dear Judge Abrams:

I represent Bevan Cooney in above-entitled case and I am submitting this letter in response to the government's letter late this evening to defense exhibits for the cross-examination of Tim Anderson.

First, undersigned counsel sent the Government a revised list of exhibits and there appears to be some confusion about several exhibits not on Mr. Cooney's list. The government did not specify in most cases which defendant was using which exhibits so I will do my best to respond to their objections. Mr. Cooney is not seeking to admit GX 403, 1269, 1274, 1275, 3221, 3514b, 777, 4600, 1334, 1344, 2241, 3156, and Tab 31. These exhibits were not on my list.

The following defense exhibits are admissible because in every instance Tim Anderson either was part of the email thread or drafted the document in question. Notably, the Government is objecting to GX 2011 and GX 1264 which are the same exhibit. I will raise each exhibit separately.

GX 2011 and GX 1264 (same exact exhibit). An Ogala Spirits Memorandum- drafted by Tim Anderson.

TAB 71 -- DX 3703- Email and attachment

This was a document that Tim Anderson was asked to explain during his interview by the government and was referenced in an interview in the 3500 materials. It was referenced as Tab 71. There is an email from Tim Anderson and an attached memorandum where he submits a revised paragraph confirming the role of Thorsdale. This memorandum talks about the annuity and the role that Thorsdale played and is important for the jury to understand.

DX3005 – Memorandum Tim Anderson drafted regarding the role of sovereign immunity and bankruptcy in connection with the WLCC Bonds (December 3, 2014)

TAB 67 DX 3704 This was a document that Anderson was asked to explain during his interview by the government and was referenced in an interview in the 3500 materials. It was referenced as Tab 67. Anderson prepared a draft of an Annuity Addendum – and Private Equity Release. This memorandum certainly talks about the annuity and is important for the jury to understand.

DX 3521 –Tim Anderson sent Bevan Cooney wire information specifically and this exhibit is a copy of the wire that completes the narrative as it corroborates details in the story. It's relevant because it shows that Cooney sent the wire pursuant to the directions he was given by Tim Anderson and we would like Tim Anderson to verify details about the wire consistent with the instructions he provided to Mr. Cooney.

DX3520 --- October 9, 2014 email from Tim Anderson to Bevan Cooney—updating him that all of the bond documents were finalized and executed and delivered to US Bank and all that is required to close Burnham's signature on the closing statement and US Bank's Receipt of the 5 million wire.

DX3532 – Another email sent by Tim Anderson to Bevan Cooney where he sends wire instructions to Mr. Cooney regarding a specific format he must use.

GX 1281: This is a Government Exhibit in which Tim Anderson and Jason Galanis are emailing about the news that Burnham was buying a majority interest in an investment Bank called Bonwick Capital who dealt in municipal bonds. Burnham had expanded their commercial space and Bonwick was moving into their space. This was part of the financial conglomeration Burnham was trying to create. Very important to question Tim Anderson about this email. Relevant to Cooney's state of mind and his belief that he transferred his bond to Bonwick which was a completely legitimate investment banking firm.

GX1346 – This is a Government Exhibit in which Jason Galanis and Tim Anderson are here emailing and discussing the resumes of the individuals that will be managing Bonwick Capital. Tim Anderson was impressed with the experience and expertise of the Bonwick Team. Again this was part of the financial conglomeration Burnham was trying to create. This email is very important to the narrative of Cooney's defense and important to get Tim Anderson's perspective since he wrote the email and was part of the conversation. Relevant to Cooney's state of mind and his belief that he transferred his bond to Bonwick which was a completely legitimate investment banking firm.

TAB 84 DX 3705 –

This was a document that Anderson was asked to explain during his interview by the government and was referenced in an interview in the 3500 materials as Tab 84. It is a transcript of a text message between Tim Anderson and Jason Galanis where Anderson tells Jason Galanis that “Our warehouse project made today’s Wall Street Journal.” Mr. Cooney wants to appropriately discuss the contents of this conversation with Tim Anderson as far as his comments to Jason Galanis and get an explanation as to what he intended by his comments. This is obviously what cross examination is about and relative to the narrative of Mr. Cooney’s defense.

TAB 9 DX 3706

This was a document that Anderson was asked to explain during his interview by the government and was referenced in an interview in the 3500 materials. It was referenced as Tab 67. It is a document that Tim Anderson drafted and sent around on an email to Heather Thompson, the lawyer for the WLCC and others. We would like some clarification as to what this document is about.

As the Court may recall last week I assured the Court that every exhibit I reviewed with Mr. Anderson would be an email that he has personal knowledge of. While there may be times that documents are admissible even if the witness is not on them because they are relevant to a non-hearsay purpose or Mr. Cooney’s state of mind, in this instance all of these exhibits are emails that Tim Anderson was part of the email thread and had personal knowledge as to the matters being discussed. There are other exhibits which relate to documents Tim Anderson drafted and are therefore appropriate for cross-examination. Many of these documents identified as TAB documents were referenced in the 3500 materials and were part of Mr. Anderson’s interviews with the government.

Respectfully,

/s/ Paula J. Notari
Paula J. Notari